THE DISTRICT COURT FOR THE STATE OF ALASKA
FOR THE FOURTH JUDICIAL DISTRICT

STATE OF ALASKA,
Plaintiff,
vs.
JEFFERY D. SCOTT,
Defendant.

Case No. 4TO-S92-83 CR

MOTION TO DISMISS

This document and its attachments do not contain information that is confidential under A.S. 12.61.110 or the name of a victim of a crime listed in A.S. 12.61.140.

COMES NOW the defendant, Jeffery D. Scott, by and through his attorney, Sheri L. Donaldson, and hereby moves this Court to dismiss the action for lack of State jurisdiction. This motion is supported by the following memorandum.

DATED at Fairbanks, Alaska this 10th day of August, 1992.

TANANA CHIEFS CONFERENCE, INC.

/s/ Sheri L. Donaldson
Sheri L. Donaldson
Attorney for Mr. Scott

This is to certify that a copy of this Motion, Memorandum, & Order was hand-delivered on August 11th, 1992

to the following parties or attorneys of record: District Attorney's office.

/s/ Vera Wells 8/11/92
Vera Wells Date

THE DISTRICT COURT FOR THE STATE OF ALASKA
FOR THE FOURTH JUDICIAL DISTRICT AT TOK

STATE OF ALASKA,)
Plaintiff,)
vs.)
JEFFERY D. SCOTT,)
Defendant.)

Case No. 4TO-S92-83 CR

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

INTRODUCTION

The defendant moves for dismissal of the complaint in this case for the reason that the State has no jurisdiction to prosecute; and the State Court has no jurisdiction.

STATEMENT OF FACTS

Based upon the complaint and police report filed in this case, the defendant is alleged to have illegally possessed a bull moose during a closed hunting season under 5 A.A.C. 92.140(a). (See Exhibit A). According to

the complaint and police report, a moose is alleged to have been shot by Lavelle Jimmie, an Athabascan Indian from Northway, on May 8, 1992. (See Exhibit B and C). According to the police report by Trooper Thorsrud of the Alaska State Troopers in Tok, Lavelle Jimmie shot the moose because it was limping. According to a taped conversation between Lavelle Jimmie and Trooper Thorsrud, the moose was shot by Lavelle because it had a broken leg. (See Exhibit D, Tape Transcript between Trooper Thorsrud and Lavelle Jimmie).

The trooper never asked any of the suspects where the moose was shot. There is evidence that the moose was shot in the Tetlin Wildlife Refuge, on federal land.

Interestingly enough, the complainant State Trooper, Trooper Thorsrud, did not even report this "illegal moose kill" to federal Fish and Wildlife officials located at the Tetlin Wildlife Refuge, according to federal Fish and Wildlife officer Bob Schultz at the refuge.

The moose was shot on the north bank of the Nabesna River upriver from the Native Village of Northway, located approximately 250 miles away from Fairbanks. The location of the alleged harvest is on land which has been interim conveyed to the Northway Native, Inc. (Village corporation for Northway). (See Exhibit E). The interim conveyance of the tract (designated I.C. 964) was made pursuant to the Alaska Native Claims Settlement Act, P.L. 92-203, Section 12. (See Exhibit F). Interim Conveyance 964, November 9, 1984, conveys only surface rights to the village corporation. Sub-surface rights for the same tract was conveyed to

Doyon Regional Corporation pursuant to Interim Conveyance 965. (See Exhibit G).

The historic ancestors of the native village of Northway are confirmed by the presence of Upper Tanana Athabascan peoples residing on the Chisana and Nabesna drainages at the time of direct white contact in the 1880s. Martha F. Case, *Wild Resource Use in Northway, Alaska,* Published by the Alaska Department of Fish and Game, Division of Subsistence, June 1986, page 14. In the 1920s, the Old Nabesna camp on the east bank of the Nabesna River had reportedly been in use for two generations by members of the Old Nabesna band. *Id.* at page 19. The Old Nabesna band inhabited the lower Chisana River from Gardiner Creek to its mouth, and the lower Nabesna River from approximately the Cheslina River to the mouth, and the confluence of the two rivers and the beginning of the Tanana River. *Id.* at page 24.

Members of this band travelled northward to the upper Ladue drainage, and utilized the lakes and streams south to the Black Hills east of the Nabesna River. *Id.* This constitutes an area approximately 50 miles north-south and 25-30 miles east-west. *Id.* Two camps on the Nabesna River, called Nabesna Village or Old Nabesna, and Dry Creek, as well as several fish camps in the lower Nabesna and Chisana river area were occupied by this bank in the mid-20th century. *Id.*

Several trading posts were managed in the area, beginning in 1909 and 1910 with excursions by a Captain Northway from Fairbanks to the lower Nabesna River. *Id.* at page 16. Four posts were located over the years near a camp site of the lower Nabesna River people near the

present community of Northway. *Id.* In the early 1940s the Old Nabesna settlement moved to its present location along the east bank of the Nabesna River to avoid river erosion. *Id.* at page 17. The Alaska Highway along the northern edge of the valley was completed in 1942, and an airstrip was constructed approximately seven miles south of the highway, and two miles from the Nabesna village. *Id.* A graded road connected the airstrip and village to the highway. *Id.* A post office was established in 1941, and the village name was changed to Northway. *Id.* The population grew from approximately 100 residents in the early 1940s to over 300 by 1980. *Id.* A 1984 study of Northway households by ethnicity shows that 97% of the members of Northway Village are Alaska Natives. *Id.* at page 35.

Contemporary hunting areas for residents of the Native Village of Northway fall within former band territories, the descendants of which comprise a large portion of the current local hunting population. *Id.* at page 59. Northway residents harvested an estimated total of 90,091 edible pounds of wild resources between June 1987 and May 1988. Marcotte, James R., *Wild Fish and Game Harvest and Use by Residents of Five Upper Tanana Communities,* Published by the Alaska Department of Fish and Game, Division of Subsistence, December 1991, page 121. Moose hunting was the second largest contributor comprising 26.8 percent of the harvest, with whitefish harvest the highest harvest. *Id.*

Athabascan is a linguistic family which includes Indians from Alaska across Canada and extending down to the Mexico border. *See* John R. Swann, *Indian Tribes of Alaska and Canada,* A Reprint of a Portion of "The Indian

Tribes of North America" first published in Washington, D.C., 1952.

The governmental organization of these semi-nomadic Indian tribes was not a complicated one. Each tribe was headed by an elected chief who had only as much authority as the individuals were willing to grant him. *Handbook of North American Indians, Subarctic.* W.C. Sturtevant, J. Helm, Eds., at pg. 598.

The Athabascans of interior Alaska populated the region since prior to the coming of the Russians in 1843. The Indians of the Interior were the last to come into contact with white men. When non-Natives entered the Interior of Alaska, they came first to trade and later, generally, to exploit the natural resources of the indigenous peoples' territories. At first, the traders located their trading posts in or near the Natives' semi-permanent settlements or ceremonial meetings piaces. Later, the trading posts were placed at a distance from the Native Villages as the clash of cultural expectations between the Indians and the traders made the traders uncomfortable in close proximity to the Indians. *See Compilation of Narratives of Explorations in Alaska,* Washington Government Printing Office, 1900, Schwatka, pp. 341, 343; Raymond, pp. 36-37; Clarence C. Hulley, *Alaska; Past and Present,* Binfords & Mort, Publishers, Portland, Oregon, 1958 at pg. 27; 222-229.

After the arrival of the explorer and trader, the church came soon after, and then the miner. *Alaska Past and Present, Id.* at pp. 222-229. For the most part, the explorer and the miner were transients, leaving for new

discoveries, new strikes, and new territories. There remained the trader, the church and the Tribes.

STATEMENT OF LAW

Unless Congress has expressly ceded its authority, a State is without authority to manage hunting and fishing in "Indian Country." *New Mexico v. Mescalero Apache Tribe*, 462 U.S. 324 (1983).

In *Native Village of Tyonek v. Puckett et. al.*, pg. 346, (9th Cir. No. 87-3569, Jan. 13, 1992), the Court held that the Native Village of Tyonek qualified for sovereign immunity, and that its officers were also protected from liability based on derivative sovereign immunity for enforcement of a village ordinance requiring the eviction of non-tribal members from village territory. The Court stated that the village was under the superintendence of the federal government. *Id.* at 354. This test is met when the Government treats Indians as a "dependent people" requiring government superintendence, regulation, and protection. *Id.* The Court had previously held that Alaska Natives "have been considered to have the same status as other federally recognized American Indians . . . they are under the guardianship of the federal government and entitled to the benefits of the special relationship." *Id.* In addition, although the village holds its land in fee simple, the government has continued to regulate the affairs of Alaska Natives by passing legislation to protect their welfare and lands. *Id.; See Alaska National Interest Lands Conservation Act*, 16 U.S.C. 3111(4); Indian Child Welfare Act, 25 U.S.C. 1901(2) & (3). The record also demonstrated that the village received assistance from various

government agencies which provided the village with federal services and funds such as educational and housing grants. *Id.* at 355. This involvement by the government recognized the village's continuing dependence on federal help and involvement and fulfilled the Indian Country test. *Id.*

The Court in Tyonek held that ANCSA corporations may be considered "Indian Country". *Id.* at 354. The Court invoked the test articulated in *Oklahoma Tax Commission v. Citizen Band Potawatomi Indian Tribe of Oklahoma,* 111 S.Ct. 905, 910 (1991), which held that Indian Country comprises lands which have been set apart for use of the Indians "under the superintendence of the government".

On March 16, 1992 the Ninth Circuit Court of Appeals issued a new opinion, and withdrew their January 13, 1992 opinion. In that opinion, the Court stated that they had not addressed the question previously whether any Alaskan native village constituted an Indian tribe for the purpose of sovereign immunity. *See Native Village of Tyonek v. Puckett,* et al., No. 87-3569, pg. 9 (9th Cir. March 16, 1992). The Court stated that the District Court had failed to enter express findings of facts or develop a record to support is conclusion that the Native Village of Tyonek is an Indian tribe protected by sovereign immunity. *Id.* Accordingly, the Court remanded to the District Court so that an adequate record could be prepared so that they could review this complex factual question. *Id.; Native Village of Venetie,* 856 F.2d 1384 (9th Cir. 1988).

LEGAL ARGUMENT

In this case, it is clear that the land where the moose was shot was located on "Indian Country", within the jurisdiction of the Native Village of Northway. The land in question was undeveloped subject to restrictions on the title, created by federal statute. Consequently, the land is exempt from adverse possession, real property taxes, execution to satisfy debts, and alienation through bankruptcy. 43 U.S.C. Section 1636. This statutory scheme clearly establishes a protective relationship between the tribe and the federal government.

There is also ample evidence that the village receives federal assistance for education, housing, native health funds for clinics, prevention programs, safe drinking water and sanitation; Indian family and social service programs; protection of wildlife on lands owned by tribes or ANCSA corporations; and programs for employment of Indians. *See Affidavits* of Reva Shircel, Exhibit H; Don Shircel, Exhibit I; Al Ketzler, Sr., Exhibit J.

The defendant and the other residents of the Native Village of Northway live within this scheme of federal protection, and the lands held by Northway Natives, Inc. are an integral part of the federal government's protective relationship to the Native Village. The land is inseparable from the overall relationship existing between the federal government and the residents of the native village. As reflected by the federal government's regulation and legislation for the benefit of the Native Village of Northway and other native villages, the federal government exists as a benevolent overseer and protector of the Native Village of Northway and its residences.

In conclusion, it is clear that the Village corporation lands are "Indian Country", and the State of Alaska is without jurisdiction to regulate and manage fish and wildlife thereon.

For the foregoing reasons the complaint and action against the defendant should be dismissed for want of jurisdiction.

DATED this 11th day of August, 1992 in Fairbanks, Alaska.

TANANA CHIEFS CONFERENCE, INC.

/s/ Sheri L. Donaldson
Sheri L. Donaldson
Attorney for Mr. Scott

UNIFORM SUMMONS AND COMPLAINT
DEPARTMENT OF PUBLIC SAFETY

CASE No. _____ BAIL AMT. [ ]
STATE OF ALASKA MANDATORY APPEARANCE
YES [X] NO [ ]
4 JUDICIAL)
DISTRICT)SS No. [W543128]
) SUMMONS

IN THE DISTRICT COURT AT TOK

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

ON Friday THE 8 DAY OF MAY 1992, AT 11:45 A.M.
NAME SCOTT JEFF D
LAST (PLEASE PRINT) FIRST MIDDLE
STREET BOX 421
CITY-STATE Northway PHONE _____
AGE 22 BIRTH DATE 3-1-70 RACE W SEX M HT. 5'6"
WT. 145
EYES GRN HAIR BRN SOC. SEC. NO. 574-76-7165
LIC. NO. 6326335
KIND/CLASS_____ NUMBER_____ STATE_____
VEH. LIC. NO. ___ STATE ___ YR. ___
MAKE ___ STYLE ___ COLOR ___
PLACE OF EMPLOYMENT _____
AT OR NEAR (LOCATION) _____

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE IN THE 4 JUDICIAL DISTRICT AND STATE AFORESAID:

TO WIT: POSSESSION OF ILLEGAL MOOSE WHICH IS IN VIOLATION OF
ALASKA [ ] STATUTE ___
[X] REGULATION ___

EVIDENCE RECEIPT: 4- BAGS MOOSE MEAT BLOOD FROM PICK UP

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF May, 1992
/s/ Evelyn M Carson
Clerk of Court
(Name and Title)

/s/ Damon C. Thorsrud
(Signature and Identification of officer or other complainant)
(Unit No.) 54

COURT APPEARANCE: 11 DAY OF MAY, 1992, AT 2:00 P.M.,
ADDRESS OF COURT _____

I PROMISE TO APPEAR IN SAID COURT AT SAID TIME AND PLACE, BY SIGNING THIS SUMMONS, I AM AGREEING *ONLY* THAT I HAVE RECEIVED A COPY OF IT, AND THAT I WILL RESPOND AS REQUIRED.

SIGNATURE /s/ Jeff Scott
BT-213-A-FW 12-552 (1234)

TO COURT

FWP Case 920030726

In the District Court for the State of Alaska
Fourth Judicial District, Tok, Alaska

State of Alaska Plaintiff, vs. Jeffery Douglas Scott ID/LIC: 6326335 DOB: 03-01-70 Northway, AK ATN: 100135028 Defendant.	)	Misdemeanor Criminal Complaint No. 4TD-592-83-Cr. 5 AAC 92.140(a) Unlawful Possession of Game Moose

CERTIFICATION
(Filed May 11, 1992)

I certify that:

X This document and its attachments do not contain information that is confidential under AS 12.61.110 or the name of a victim of a crime listed in AS 12.61.140.

_ This document or an attachment contains confidential information that may be place in a court file under an exception listed in AS 12.61.130(b). This information appears at _____. This document and its attachments do not contain the name of a victim of a crime listed in AS 12.61.140.

Complainant, Damon C. Thorsrud, Alaska Fish and Wildlife Protection Trooper, personally appearing before me and being duly sworn, states that on or about the 8th day of May, 1992, at or near Northway, in the Fourth

Judicial District, State of Alaska, Jeffery Douglas Scott did unlawfully with criminal negligence possess parts of illegal game, to-wit: one bull moose taken during the closed season.

All of which is a Class A Misdemeanor offense being contrary to and in violation of 5 AAC 92.140(a) and against the peace and dignity of the State of Alaska.

This complaint is based on the observations and investigation of the complainant and statements of defendant that he did possess and transport a bull moose he knew was taken during the closed season.

km

/s/ Damon C. Thorsrud
(SIGNATURE OF COMPLAINANT)

Sworn to and subscribed before me this 11 day of May, 1992.

/s/ Evelyn M Carson,
Clerk of Court
Judge

(SEAL)

STATE OF ALASKA
DEPT. OF PUBLIC SAFETY

IV. 1984) INV. REPORT

Case No. 920030726

Investigating Agency	Detach	Invest. Unit	Reporting Officer	Perm. I.D.	Person/Offense Link Code
Fish & Wildlife Protection	E	TOFE	Trp. Chuck Thorsrud	DCTO	

OFFN. #	Offense Code	UCR No.	Type of Offense	Date Reported	Time Reported
1	8622		Moose Closed Season	5-7-92	1600

Date Occurred	Appr	Time Occurred	Appr	Relationship of Victim to Offender	Alcohol or Drugs Involved	Weapon/ Cause	Situation Code
5-5-92	X	UNK					

Location of Offense/Activity: Down Stream from Northway — Patrol Zone: HHEC

OFFN. #	Offense Code	UCR No.	Type of Offense	Date Reported	Time Reported
2	8640		Illegal Possession of Moose	5-7-92	1600

Date Occurred	Appr	Time Occurred	Appr	Relationship of Victim to Offender	Alcohol or Drugs Involved	Weapon/ Cause	Situation Code
5-6-92		1230	X				

Location of Offense/Activity: Oscar JIMMIE residence - Northway — Patrol Zone: HHEC — 1A

OFFN. #	Offense Code	UCR No.	Type of Offense	Date Reported	Time Reported

Date Occurred	Appr	Time Occurred	Appr	Relationship of Victim to Offender	Alcohol or Drugs Involved	Weapon/ Cause	Situation Code

Location of Offense/Activity: — Patrol Zone:

STATE OF ALASKA
MAY 27 1992
FOURTH JUDICIAL DISTRICT
DISTRICT ATTORNEY

OFFN. #	Offense Code	UCR No.	Type of Offense	Date Reported	Time Reported

Date Occurred	Appr	Time Occurred	Appr	Relationship of Victim to Offender	Alcohol or Drugs Involved	Weapon/ Cause	Situation Code

Location of Offense/Activity: — Patrol Zone:

Pers. No.	Role(s)	Name	Sex	Race	Ht.	Weight	Hair	Eyes	Date of Birth	Appr. Birth Yr
1	DI	Jeffery SCOTT	M	W	66	145	BRO	GRN	3-1-70	

Residence Address	Residence Phone	Driver's License No.	State
Box 421 - Northway, AK 99764		6326335	AK

Work Address	Work Phone	Occupation

Date Interviewed	Advised of Rights	Yes	No	By	Other Identification No.	Type of Ident.
5-8-92			X			

Statement Taken Yes	Statement Taken No	Criminal Record Yes	Criminal Record No	FWP Record Yes	FWP Record No	Blood Alcohol Results	Social Security No.	Suspect in Offn. Number	Juv. Dispo.
X			X		X		574-76-7165		

	A	B	C	D	E	Violent Crime / Domestic Viol. Notice Given	
CHARGED WITH	8640					VC	
CHARGED BY	P W S X	P W S	P W S	P W S	P W S	DV	
CITATION NO.	W543128					Supplemental Form Used Re: Info On This Page	

Pers. No.	Role(s)	Name	Sex	Race	Ht.	Weight	Hair	Eyes	Date of Birth	Appr. Birth Yr
2	SI	Lavelle B. JIMMIE	M	I	65	120	BLK	BRO	5-4-76	

Residence Address	Residence Phone	Driver's License No.	State
Box 421 - Northway, AK 99764		6487679	AK

Work Address	Work Phone	Occupation

Date Interviewed	Advised of Rights	Yes	No	By	Other Identification No.	Type of Ident.
5-11-92			X			

Statement Taken Yes	Statement Taken No	Criminal Record Yes	Criminal Record No	FWP Record Yes	FWP Record No	Blood Alcohol Results	Social Security No.	Suspect in Offn. Number	Juv. Dispo.
X			X		X		574-58-5157	1 2	

	A	B	C	D	E	Violent Crime / Domestic Viol. Notice Given	
CHARGED WITH						VC	
CHARGED BY	P W S	P W S	P W S	P W S	P W S	DV	
CITATION NO.						Supplemental Form Used Re: Info On This Page	

3V

ATN 100135028

(C)

B-15

STATE OF ALASKA
DEPT. OF PUBLIC SAFETY

CASE NO. 920030726

CHECK BOX IF PROPERTY VALUES LISTED BELOW ARE SUPPLEMENTS TO ORIGINAL REPORT ☐

12-[illegible] (REV. 1984) INV. REPORT

VEHICLE INFO.	NUMB.	LICENSE PLATE NO.	STATE	VEHICLE IDENTIFICATION NO.	VEH. YEAR	MAKE	MODEL	BODY STYLE
	1	9155CM	AK	1B7FN14C7J5622077	88	DODGE		PK

COLOR	NUMB. OCCUP.	MALE	FEM.	EVIDENCE FOUND IN VEHICLE	YES	NO	VEHICLE STATUS	IMPOUND	STOLEN	SEIZED	SUSPECT	AIRCRAFT INFORMATION	NUMBER	REGISTRATION (N) NUMBER
BLU					X						X			

MAKE	MODEL	YEAR	COLOR	LANDING GEAR TYPE	AIRCRAFT STATUS	IMPOUND	STOLEN	SEIZED	SUSPECT

WATER-CRAFT INFO.	NUMBER	USCG OR DOCUMENTATION NO.	NAME OF WATERCRAFT	MAKE	LENGTH

TYPE	COLOR	ADF&G NUMBER	HULL SHAPE	HULL MAT'L	PROPULSION	WATER-CRAFT STATUS	IMPOUND	STOLEN	SEIZED	SUSPECT

PHOTOS	SCENE		AUTOPSY		OTHER	EXHIBITS	WAIVER RIGHTS		ALCOH. INF. RPT.		OTHER	EVIDENCE SEIZED	YES	NO
	VICTIM		EVIDENCE				DIAGRAM		IMPL. CONSENT					

PROPERTY LOSS VALUES BY TYPE AND OFFENSE (See Codes on Back)

OFFN #	TYPE	$	OFFN #	TYPE	$	OFFN #	TYPE	$	OFFN #	TYPE	$

TOTAL PROPERTY LOSS/RECOVERY VALUES — EACH OFFENSE

OFFN #	$ LOSS	$ RECOVERED	OFFN #	$ LOSS	$ RECOVERED	OFFN #	$ LOSS	$ RECOVERED

SYNOPSIS:

WSG Complaint # 92-046 states "Jeff" and a juvenile unloaded a moose from a small blue pickup at Oscar JIMMIE's residence.

(2)

CLOSURE	ARREST	PROS. DECL.	UNFOUNDED	NO O/LEADS	EXCEPTION	CASE REF.	REFERRED TO	COPIES TO
	✓							DAG 5/27/92

REPORTING OFFICER	PERM. IDENT.	REVIEWED AND APPROVED BY	PERM. IDENT.	DATE CLOSED
Thorsrud	DCTO	SATHSON	CJSO	5-26-92

STATE OF ALASKA
DEPT. OF PUBLIC SAFETY

Reporting Officer	Perm. Ident.	Case No.
C. Thorsrud	DCTO	920030726

Pers. No.	Role(s)	Name	Sex	Race	Ht.	Weight	Hair	Eyes	Date of Birth	Appr. Birth Yr
	SI	Oscar JIMMIE	M	I	67	180	BLK	BRO	5-13-26	

Residence Address	Residence Phone	Driver's License No.	State
Box 421 - Northway, AK 99764		6035588	AK

Work Address	Work Phone	Occupation

Date Interviewed	Advised of Rights	Yes	No	By	Other Identification No.	Type of Ident.
5-8-92			X			

Statement Taken	Yes	No	Criminal Record	Yes	No	FWP Record	Yes	No	Blood Alcohol Results	Social Security No.	Suspect in Offn. Number	Juv. Dispo.
	X			X			X			574-47-4039	2	

CHARGED WITH																				Violent Crime Domestic Viol. Notice Given	V.C.	
																					D.V.	
CHARGED BY	P	W	S	P	W	S	P	W	S	P	W	S	P	W	S	P	W	S		Supplemental Form Used Re: Info On This Page		
CITATION NO.																						

Pers. No.	Role(s)	Name	Sex	Race	Ht.	Weight	Hair	Eyes	Date of Birth	Appr. Birth Yr

Residence Address	Residence Phone	Driver's License No.	State

Work Address	Work Phone	Occupation

Date Interviewed	Advised of Rights	Yes	No	By	Other Identification No.	Type of Ident.

Statement Taken	Yes	No	Criminal Record	Yes	No	FWP Record	Yes	No	Blood Alcohol Results	Social Security No.	Suspect in Offn. Number	Juv. Dispo.

CHARGED WITH																				Violent Crime Domestic Viol. Notice Given	V.C.	
																					D.V.	
CHARGED BY	P	W	S	P	W	S	P	W	S	P	W	S	P	W	S	P	W	S		Supplemental Form Used Re: Info On This Page		
CITATION NO.																						

Pers. No.	Role(s)	Name	Sex	Race	Ht.	Weight	Hair	Eyes	Date of Birth	Appr. Birth Yr

Residence Address	Residence Phone	Driver's License No.	State

Work Address	Work Phone	Occupation

Date Interviewed	Advised of Rights	Yes	No	By	Other Identification No.	Type of Ident.

Statement Taken	Yes	No	Criminal Record	Yes	No	FWP Record	Yes	No	Blood Alcohol Results	Social Security No.	Suspect in Offn. Number	Juv. Dispo.

CHARGED WITH																				Violent Crime Domestic Viol. Notice Given	V.C.	
																					D.V.	
CHARGED BY	P	W	S	P	W	S	P	W	S	P	W	S	P	W	S	P	W	S		Supplemental Form Used Re: Info On This Page		
CITATION NO.																						

Pers. No.	Role(s)	Name	Sex	Race	Ht.	Weight	Hair	Eyes	Date of Birth	Appr. Birth Yr

Residence Address	Residence Phone	Driver's License No.	State

Work Address	Work Phone	Occupation

Date Interviewed	Advised of Rights	Yes	No	By	Other Identification No.	Type of Ident.

Statement Taken	Yes	No	Criminal Record	Yes	No	FWP Record	Yes	No	Blood Alcohol Results	Social Security No.	Suspect in Offn. Number	Juv. Dispo.

CHARGED WITH																				Violent Crime Domestic Viol. Notice Given	V.C.	
																					D.V.	
CHARGED BY	P	W	S	P	W	S	P	W	S	P	W	S	P	W	S	P	W	S		Supplemental Form Used Re: Info On This Page		
CITATION NO.																						

920030726

B-17

DEPARTMENT OF PUBLIC SAFETY

FILE NO. 920030726

ALASKA STATE TROOPERS, E DETACHMENT TOFE POST.
INVESTIGATED BY Trooper Chuck Thorsrud DATE(S) INVESTIGATED 05-08 1992
TITLE OF CASE Take Moose – Closed Season

INTERVIEW #1DI, Pg1, Jeffery SCOTT

Interviewed in the FWP pickup in front of the Oscar JIMMIE residence in Northway at approximately 1120 hours.

SCOTT stated in essence that he and Lavelle (Oscar JIMMIE's grandson), went hunting. Lavelle shot the bull moose using Oscar JIMMIE's .30-30 rifle. The moose was transported back to the JIMMIE residence using SCOTT's pickup (blue Dodge, license # 9155CM).

The moose is currently at the JIMMIE residence in a meat house. A copy of the taped interview is available at Tok AST.

INTERVIEW #3SI, Pg3, Oscar JIMMIE

Interviewed at the Oscar JIMMIE residence in Northway at approximately 1130 hours.

JIMMIE stated in essence that the moose has been cut up. The bones, head and [illegible] meat are in the meat house. JIMMIE accompanied Trp. Thorsrud to the meat house, opened the door and gave permission for access.

A copy of the taped interview is available at Tok AST.

JIMMIE stated outside (off tape) that Lavelle is his grandson and is in his custody.

INTERVIEW #2SI, Pg1, Lavelle B. JIMMIE

Interviewed at the Tok Court House at approximately 1400 hours. Present during the interview was Oscar JIMMIE, Lavelle JIMMIE's guardian.

Lavelle JIMMIE stated he shot the moose because it was limping. The moose was shot with a .30-30. He stated he knew the moose season was closed.

A copy of the taped interview is available at Tok AST.

On 5/7/92 I received anonymous information from the Alaska Fish & Wildlife Safeguard Program stating that a complainant observed 2 suspects unloading a moose at Oscar JIMMIE's residence. The moose was killed 5/4/92 or 5/5/92 and brought in on 5/6/92 at approximately 12:30 p.m. The suspects were described as one white male adult named "Jeff", and one white native juvenile. The truck used to transport the moose was described as a small navy blue pickup, possibly Ford.

On 5/8/92 at approximately 11:00 a.m. I went to the Oscar JIMMIE residence with Trooper Gallen (Northway AST). Oscar JIMMIE was contacted outside his residence and asked if we could go inside to talk. JIMMIE answered yes. Several individuals were observed inside the JIMMIE residence, including a white male adult who identified himself as Jeff SCOTT. I explained to Oscar JIMMIE that I was there because of the moose and I needed to talk to Jeff SCOTT out in my truck.

Jeff SCOTT accompanied myself to the FWP pickup where the interview took place. SCOTT indicated that the blue pickup parked in Oscar JIMMIE's driveway is his and it was used to transport the moose.

After the SCOTT interview, we went to the blue, Dodge pickup, license 9155CM, and I observed dried blood and hair in the pickup bed in plain view. A sample of blood and hair were obtained as evidence.

After looking at the blue pickup, SCOTT and myself went back to the JIMMIE residence and recontacted Oscar JIMMIE. I explained to JIMMIE that I knew the moose was in his meat house, but that I couldn't go get it without his permission. JIMMIE gave authorization to go to the meat house and JIMMIE, SCOTT, and myself went to the meat house. JIMMIE opened the door to the meat house and SCOTT brought out the head of a freshly killed bull moose. Additional meat could be observed hanging from poles in the meat house. A small smoke fire was burning in the center of the meat house. I, again, asked JIMMIE if I could come in and he stated yes. SCOTT indicated that some of the meat in the meat house was caribou, and some was moose. The meat SCOTT stated was caribou appeared much drier than the moose meat.

Trooper Gallen left to get bags to put the moose meat in and returned in approximately 10 minutes.

Jeff SCOTT and myself returned to the meat house. SCOTT identified which pieces of meat were moose. They were placed in bags, put in the FWP pickup, and retained as evidence.

On 5-13-92 I returned to the Oscar JIMMIE residence and contacted JIMMIE and SCOTT. I asked JIMMIE if he still had the leg bone from the moose that may be broken. He went into the meat house and came out with a leg bone with a fresh break. JIMMIE stated he didn't know when or how the leg got broke. The leg was retained as evidence.

STATE OF ALASKA
DEPT. OF PUBLIC SAFETY

12-210 PROPERTY REPORT (REV. 1984)

Location Of Items Listed On This Page: York

Name Of Officer In Charge Of Items | Perm. Ident.

Case No. 92 30726

Item No.	Type Code	Stolen	Recov.	Evid.	Found	Safe Kp.	Value $	Type of Article	Brand Name
5	Y			Y			C	BLOOD/HAIR	

Model	Model Year	Caliber	Serial No.	Owner Applied Number

Size	Color	Distinguishing Marks Or Other Means Of Identification
		IN WSC EVID.

COMP. INPUT: APSIN | NCIC | HIT

Date Entered	Date Prop. Stored	Date Subm. For Exam	P.O. Reg. Number

Submitted To | Return Date | Final Disposition Of Article

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same.
Signature or P.O. Reg. No.
X

Item No.	Type Code	Stolen	Recov.	Evid.	Found	Safe Kp.	Value $	Type of Article	Brand Name
6	Y			X			C	MOOSE HEAD	

Model	Model Year	Caliber	Serial No.	Owner Applied Number

Size	Color	Distinguishing Marks Or Other Means Of Identification
		BULL

COMP. INPUT: APSIN | NCIC | HIT

Date Entered	Date Prop. Stored	Date Subm. For Exam	P.O. Reg. Number

Submitted To | Return Date | Final Disposition Of Article

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same.
Signature or P.O. Reg. No.
X

Item No.	Type Code	Stolen	Recov.	Evid.	Found	Safe Kp.	Value $	Type of Article	Brand Name
	Y			X				LEG (MOOSE)	

Model	Model Year	Caliber	Serial No.	Owner Applied Number

Size	Color	Distinguishing Marks Or Other Means Of Identification
		BROKE L/

COMP. INPUT: APSIN | NCIC | HIT

Date Entered	Date Prop. Stored	Date Subm. For Exam	P.O. Reg. Number

Submitted To | Return Date | Final Disposition Of Article

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same.
Signature or P.O. Reg. No.
X

Item No.	Type Code	Stolen	Recov.	Evid.	Found	Safe Kp.	Value $	Type of Article	Brand Name

Model	Model Year	Caliber	Serial No.	Owner Applied Number

Size	Color	Distinguishing Marks Or Other Means Of Identification

COMP. INPUT: APSIN | NCIC | HIT

Date Entered	Date Prop. Stored	Date Subm. For Exam	P.O. Reg. Number

Submitted To | Return Date | Final Disposition Of Article

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Signature or P.O. Reg. No.
X

Item No.	Type Code	Stolen	Recov.	Evid.	Found	Safe Kp.	Value $	Type of Article	Brand Name

Model	Model Year	Caliber	Serial No.	Owner Applied Number

Size	Color	Distinguishing Marks Or Other Means Of Identification

COMP. INPUT: APSIN | NCIC | HIT

Date Entered	Date Prop. Stored	Date Subm. For Exam	P.O. Reg. Number

Submitted To | Return Date | Final Disposition Of Article

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same.
Signature or P.O. Reg. No.
X

SEE "TYPE CODE" ON BACK

Page _____ of _____

B-22

STATE OF ALASKA
DEPT. OF PUBLIC SAFETY

12-210 PROPERTY REPORT (REV. 1984)

Location Of Items Listed On This Page: TOK

Name Of Officer In Charge Of Items: THORSEN | Perm. Ident.: DCTD

Case No.: 92 30726

Item No.	Type Code	Stolen	Recov.	Evid.	Found	Safe Kp.	Value $	Type of Article	Brand Name
1									

Model	Model Year	Caliber	Serial No.	Owner Applied Number

Size	Color	Distinguishing Marks Or Other Means Of Identification

COMP. INPUT	APSIN / NCIC	HIT	Date Entered	Date Prop. Stored	Date Subm. For Exam	P.O. Reg. Number

Submitted To | Return Date | Final Disposition Of Article

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept of Public Safety from responsibility for same.
Signature or P.O. Reg. No.
X

Item No.	Type Code	Stolen	Recov	Evid.	Found	Safe Kp.	Value $	Type of Article	Brand Name
1	4			X			0	MOOSE MEAT	

Model	Model Year	Caliber	Serial No.	Owner Applied Number

Size	Color	Distinguishing Marks Or Other Means Of Identification
		SMOKED

COMP. INPUT	APSIN / NCIC	HIT	Date Entered	Date Prop. Stored	Date Subm. For Exam	P.O. Reg. Number

Submitted To | Return Date | Final Disposition Of Article

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept of Public Safety from responsibility for same.
Signature or P.O. Reg. No.
X

Item No.	Type Code	Stolen	Recov	Evid.	Found	Safe Kp.	Value $	Type of Article	Brand Name
2	4			X			0	MOOSE MEAT	

Model	Model Year	Caliber	Serial No.	Owner Applied Number

Size	Color	Distinguishing Marks Or Other Means Of Identification
		SMOKED

COMP. INPUT	APSIN / NCIC	HIT	Date Entered	Date Prop. Stored	Date Subm. For Exam	P.O. Reg. Number

Submitted To | Return Date | Final Disposition Of Article

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same.
Signature or P.O. Reg. No.
X

Item No.	Type Code	Stolen	Recov	Evid.	Found	Safe Kp.	Value $	Type of Article	Brand Name
3	4			X			0	MOOSE MEAT	

Model	Model Year	Caliber	Serial No.	Owner Applied Number

Size	Color	Distinguishing Marks Or Other Means Of Identification
		SMOKED

COMP. INPUT	APSIN / NCIC	HIT	Date Entered	Date Prop. Stored	Date Subm. For Exam	P.O. Reg. Number

Submitted To | Return Date | Final Disposition Of Article

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same.
Signature or P.O. Reg. No.
X

Item No.	Type Code	Stolen	Recov	Evid.	Found	Safe Kp.	Value $	Type of Article	Brand Name
4	4			X			0	MOOSE MEAT	

Model	Model Year	Caliber	Serial No.	Owner Applied Number

Size	Color	Distinguishing Marks Or Other Means Of Identification
		SMOKED

COMP. INPUT	APSIN / NCIC	HIT	Date Entered	Date Prop. Stored	Date Subm. For Exam	P.O. Reg. Number

Submitted To | Return Date | Final Disposition Of Article

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Signature or P.O. Reg. No.
X

SEE "TYPE CODE" ON BACK

Page _____ of _____

B-23

Tape Two – Interrogation between Trooper Thorsrud and Lavelle Jimmie. (Q = Trooper Thorsrud; A = Lavelle Jimmie).·

* * *

A: (inaudible) . . . one leg . . . (inaudible).

Q: Did it have any broken leg when it (inaudible)?

A: Yeah . . . (inaudible).

Q: It was broken, huh?

A: Yeah (inaudible).

Q: When I talked to Jeff, though, he said when you went out you went out to go moose hunting? Is that true?

A: No. It just came out of the woods. We were going to camp out.

Q: Were you duck hunting or moose hunting?

A: (inaudible). Just duck.

Q: But you shot it with a 30-30, so you had a big rifle with you?

A: 30-30.

Q: If you ever wound a moose like that, and you shot it, is there some reason you didn't contact the State Troopers or myself?

A: (inaudible).

Q: If you ever cripple a moose like that, you're going to cripple bad. We can make justification for shooting that thing. If you don't notify us, then we can't do it,

after the fact. You knew the season was closed when you shot it, didn't you?

A: Uh hum.

Q: Uh hum, that's yes?

A: Yes.

Q: O.k. And you know that shooting moose in the closed season can be serious?

A: Yes.

Q: O.K. And you're what, 15 years old? Sixteen?

A: Fifteen.

Q: Well, I don't have any plans of giving you a ticket at all. But I want you to know that taking a moose during closed season is more than just a game, o.k.? And as far as the ducks you've been shooting at, you know duck season is closed too? You know that? O.K., if I catch you out poaching again, you probable wouldn't get another break like this?

A: Uh huh.

Q: You get a warning right now. Is that fair to you?

A: Yes, that's good.

Q: O.K. And you can sit in here and watch what's going to happen, because when it's all over with, you'll realize it isn't just a game. Okay?

A: Um.

Q: Alright. (inaudible). You said it had a broken leg?

A: Yeah, I seen it, I think that bone (inaudible).

Q: No, I didn't bring the bones to that. I didn't say anything about broken bones when I was there.

A: (inaudible)

Q: You're sure it was broken, it wasn't shot?

A: I don't know. (inaudible).

Q: I think I saw that moose on about the 2nd of May. 'Cause I came through there on the 2nd of May, there was a little bull just like that.

A: Oh, you seen it out there?

Q: Yeah, from up on the highway I saw him. And it looked like he was walking okay then. That's why I thought maybe the leg got broke when you were shooting at it.

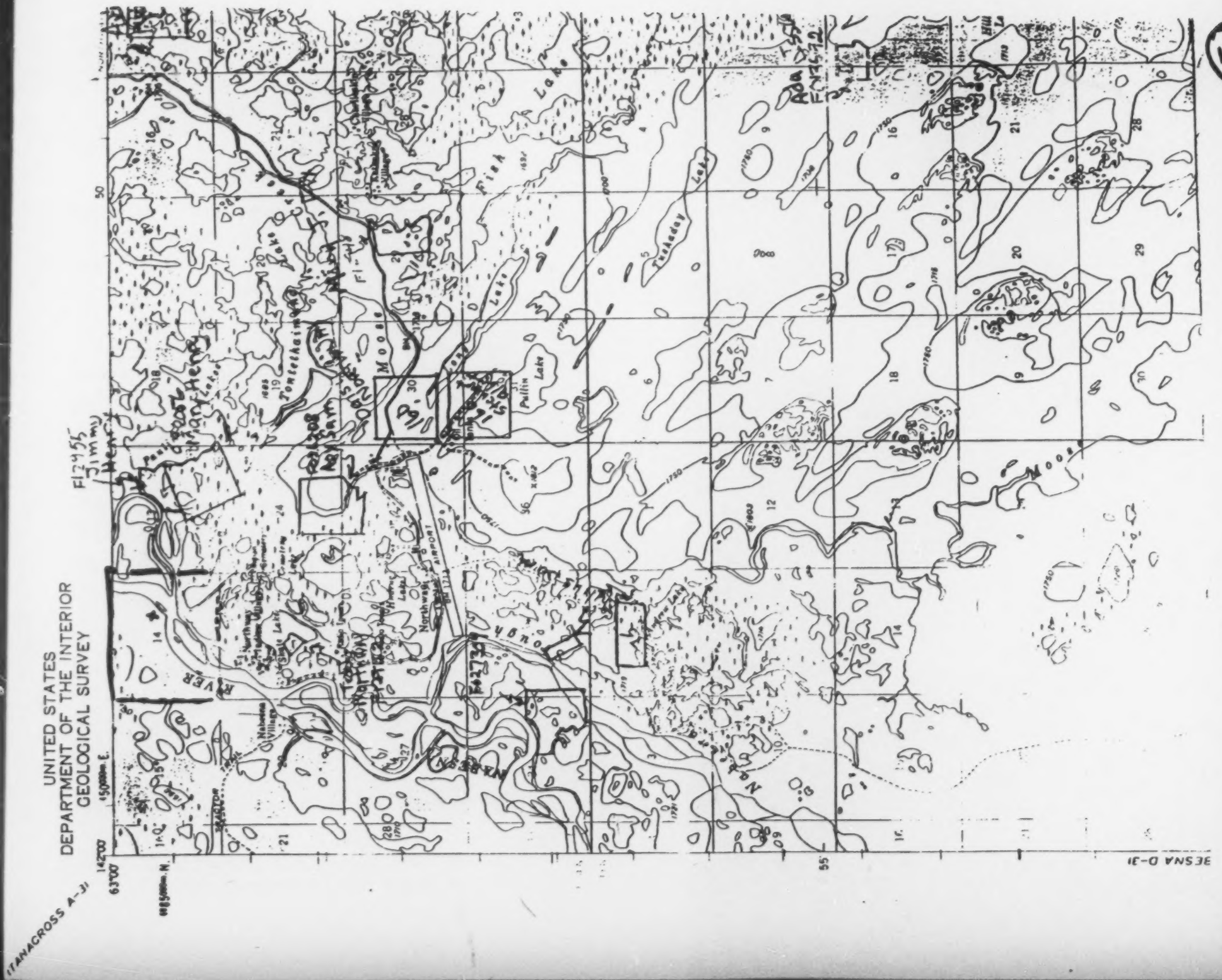
A: (inaudible).

Q: Matter of fact it happened in Northway a couple of years ago when there was caribou over there, it had a broken leg. And people called me, and I said, okay, go ahead and shoot it. And it was shot (inaudible) in the village. It's the only way I can take care of you if you tell me ahead of time what's going on. Okay? That way nobody gets in trouble. And the moose gets used.

A: Yeah.

Q: Okay?

(End of tape.)


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
TANACROSS A-3
ESNA D-3
Moose Creek
Pollin Lake
Yukon
River
Tetlin
Northway
Nabesna
Fl 2455
Lake
Ada
Mt 5112

F-14912-A
F-14912-B

INTERIM CONVEYANCE

WHEREAS

Northway Natives Incorporated

is entitled to a conveyance pursuant to Secs. 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), 1621(j), of the surface estate in the following-described lands:

U.S. Survey No. 2630, Alaska. Nabeana (Northway) Air Navigation Site. Situate on the right banks of Nabeana River, approximately one mile southeast of Nabeana Village, excluding Air Navigation Site 162, Public Land Order 4345, Quitclaim Deed dated June 1, 1966, Native allotment F-027296 parcel A, Revocation and Restoration application F-025129, and Alaska Native Claims Settlement Act Section 3(e) application F-36063 and F-38991.

Containing approximately 305 acres.

Copper River Meridian, Alaska. (Surveyed).

T. 14 N., R. 18 E.

Secs. 1 and 2, excluding U.S. Survey No. 6164;

Sec. 3, those lands formerly within Native allotment F-013598;

Secs. 8 and 9;

Secs. 11 and 12, excluding U.S. Survey No. 6164;

Sec. 13, excluding U.S. Survey No. 5347 and Native allotment F-12955 Parcel A;

Secs. 14 to 17, inclusive;

Sec. 23, excluding U.S. Survey No. 4027, U.S. Survey No. 2630, and Native allotment F-12952 Parcel A;

Sec. 24, excluding U.S. Survey No. 5347 and U.S. Survey No. 5091;

Sec. 25, excluding U.S. Survey No. 5091, U.S. Survey No. 4017, U.S. survey No. 2630, and Air Navigation Site 8;

Secs. 26 and 27, excluding U.S. survey No. 2630;

Sec. 28;

Sec. 31, excluding Native allotment F-013593;

Interim Conveyance No. 964

Date Nov. 09, 1984

F-14912-A
F-14912-B

INTERIM CONVEYANCE

WHEREAS

Doyon, Limited

is entitled to a conveyance pursuant to Secs. 14(f) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f), 1621(j), of the sub-surface estate reserved to the United States in the hereinbelow identified interim conveyance of the surface estate in the following-described lands:

Interim Conveyance No. 964

U.S. Survey No. 2630, Alaska. Nabeana (Northway) Air Navigation Site. Situate on the right banks of Nabeana River, approximately one mile southeast of Nabeana Village, excluding Air Navigation Site 162, Public Land Order 4349, Quitclaim Deed dated June 1, 1966, Native allotment F-027296 Parcel A, Revocation and Restoration application F-025129, and Alaska Native Claims Settlement Act Section 3(e) application F-36063 and F-38991.

Containing approximately 305 acres.

Copper River Meridian, Alaska. (Surveyed).

T. 14 N., R. 18 E.

Secs. 1 and 2, excluding U.S. Survey No. 6164;

Sec. 3, those lands formerly within Native allotment F-013598;

Secs. 8 and 9;

Secs. 11 and 12, excluding U.S. Survey No. 6164;

Sec. 13, excluding U.S. Survey No. 5347 and Native allotment F-12955 Parcel A;

Secs. 14 to 17, inclusive;

Sec. 23, excluding U.S. Survey No. 4027, U.S. Survey No. 2630, and Native allotment F-12952 Parcel A;

Sec. 24, excluding U.S. Survey No. 5347 and U.S. Survey No. 5091;

Sec. 25, excluding U.S. Survey No. 5091, U.S. Survey No. 4017, U.S. survey No. 2630, and Air Navigation Site 8;

Interim Conveyance No. 964

Date Nov. 09, 1984

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

STATE OF ALASKA,)
Plaintiff,)
)
vs.)
)
JEFFERY SCOTT,)
Defendant.)
)

Case No. 4TO-S92-83 Cr.

AFFIDAVIT OF REVA SHIRCEL

STATE OF ALASKA)
) ss.
Fourth Judicial District)

REVA SHIRCEL, being duly sworn, upon oath, deposes and states as follows:

1. That I am the Director of Education for Tanana Chiefs Conference, Inc.;

2. That Tanana Chiefs Conference, Inc. is a non-profit corporation organized under the laws of the State of Alaska and is a "tribal organization" as defined by the Indian Self Determination Act, P.L. 93-638, Section 4(c);

3. That as a tribal organization TCC is eligible under section 102 of the Act to enter into contracts with the Departments of the Interior, Health, Education and Welfare, for the administration of programs established under federal law for the benefit of Indians:

4. That in my job as Director of Education I am in a position to know about federal grants and programs for Indian Education which affect the native villages in the TCC region;

5. That in the fiscal year 92, approximately $10,895 was received for the Northway school from the Federal Johnson O'Malley program for cultural heritage activities for elementary and secondary school Indian children.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 11th day of August, 1992 at Fairbanks, Alaska.

/s/ Reva Shircel
Reva Shircel

SUBSCRIBED AND SWORN TO before me this 11th day of August, 1992 at Fairbanks, Alaska.

/s/ Gloria J. Wellman
Notary Public in and for the State of Alaska

My Commission Expires on: 8/29/95

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

STATE OF ALASKA,)
Plaintiff,)
)
vs.)
)
JEFFERY SCOTT,)
Defendant.)
)

Case No. 4TO-S92-83 Cr.

AFFIDAVIT OF DON SHIRCEL

STATE OF ALASKA)
) ss.
Fourth Judicial District)

Don Shircel, being duly sworn, upon oath, deposes and states as follows:

1. That I am the Director of Family Services for Tanana Chiefs Conference, Inc.;

2. That Tanana Chiefs Conference, Inc. is a non-profit corporation organized under the laws of the State of Alaska and is a "tribal organization" as defined by the Indian Self Determination Act, P.L. 93-638, Section 4(c);

3. That as a tribal organization TCC is eligible under section 102 of the Act to enter into contracts with the Departments of the Interior, Health, Education and Welfare, for the administration of programs established under federal law for the benefit of Indians;

4. That in my job as Director of Family Services I am in a position to know about federal grants and programs for Indian Family Services which affect the native villages in the TCC region;

5. That in the fiscal year 92, approximately $13,860 was received for the Native Village of Northway for the low-income Home Energy Assistance Program;

6. That 32 villages of the TCC service area, including Northway, shared on a pro rata basis in a fiscal year 92 appropriation of $85,000, from the Indian Child Welfare Act grant filed by TCC on their behalf as a federally-recognized tribe.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 11th day of August, 1992 at Fairbanks, Alaska.

/s/ Don Shircel
Don Shircel

SUBSCRIBED AND SWORN TO before me this 11th day of August 1992 at Fairbanks, Alaska.

/s/ Susan Paskvan
Notary Public in and for the State of Alaska

My Commission Expires on: 9/27/93

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

STATE OF ALASKA,)
Plaintiff,)
)
vs.)
)
JEFFERY SCOTT,)
Defendant.)
)

Case No. 4TO-S92-83 Cr.

AFFIDAVIT OF AL KETZLER, SR.

STATE OF ALASKA)
) ss.
Fourth Judicial District)

Al Ketzler, Sr., being duly sworn, upon oath, deposes and states as follows:

1. That I am the Chief Administrative Officer for Tanana Chiefs Conference, Inc., (TCC);

2. That Tanana Chiefs Conference, Inc. is a non-profit corporation organized under the laws of the State of Alaska and is a "tribal organization" as defined by the Indian Self Determination Act, P.L. 93-638, Section 4(c);

3. That as a tribal organization TCC is eligible under section 102 of the Act to enter into contracts with the Departments of the Interior, Health, Education and Welfare, for the administration of programs established under federal law for the benefit of Indians;

4. That in my job as Chief Administrative Officer I am in a position to know about federal grants and programs which affect the native villages in the TCC region;

5. That as an Indian Tribe recognized under federal law, the Native Village of Northway is figured into funding formulas and shares in the benefits of federal programs and grants intended to benefit Indians;

6. That these programs and grants have included, but are not limited to:

a.) Administration for Native Americans for assistance in rural economic development and preparation of a model code for tribal courts, (1989 – 1991);

b.) Bureau of Indian Affairs contracts for the management of employment, health services, social services, housing, education, forestry, tribal operations, agriculture, wildlife and parks, and realty;

c.) Indian Child Welfare grants from the BIA, which grants are intended to provide counseling coordination and support to Native families;

d.) the Intertribal Agriculture Council.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 11th day of August, 1992 at Fairbanks, Alaska.

/s/ Al Ketzler, Sr.
Al Ketzler, Sr.

SUBSCRIBED AND SWORN TO before me this 11th day of August, 1992 at Fairbanks, Alaska.

/s/ Perry R. Ahsogeak
Notary Public in and for the State of Alaska
My Commission Expires on: 6/1/96

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

STATE OF ALASKA,)
Plaintiff,)
)
vs.)
)
JEFFERY D. SCOTT,)
Defendant.)
)

Case No. 4TO-S92-83 CR.

ORDER

The defendant having filed his Motion to Dismiss for Lack of Jurisdiction; and the Court being fully apprised in the premises; it is hereby ordered that the defendant's motion is GRANTED.

DATED this ___ day of _____, 1992.

_____
DISTRICT COURT JUDGE